

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**DONNA CURLING, ET AL.,
Plaintiffs,**

v.

**BRIAN KEMP, ET AL.,
Defendants.**

Civil Action No. 1:17-CV-2989-AT

**PROPOSED ORDER GRANTING
CURLING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

This matter is before the Court on the Motion for Preliminary Injunction of Plaintiffs Donna Curling, Donna Price, and Jeffrey Schoenberg (the “Curling Plaintiffs”).

Upon considering the motion and supporting authorities, the response from the Defendants, and the evidence and pleadings of record, the Court finds that Plaintiffs are likely to succeed on the merits of their claims, that they will be irreparably harmed if this motion is not granted, that the balance of equities tip in Plaintiffs’ favor, and that an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

The Court accordingly GRANTS the motion and issues the relief set forth below.

UNTIL FURTHER ORDER OF THIS COURT:

1. Paper Ballots

After June 30, 2019, Defendants are enjoined from using the Diebold AccuVote DRE voting system to conduct elections, including but not limited to providing programming and machine configurations employing the DRE voting system; and Defendants are further enjoined to conduct in-person voting in elections by hand-marked paper ballot; and Defendants are enjoined to supply a minimum of one electronic or mechanical ballot marking device per polling location for assistive voting by paper ballot that meets HAVA/ADA requirements and is transparent and verifiable; Defendants are further enjoined to provide a minimum of one ballot scanner for casting, tabulation, and secure storage of voted paper ballots at each polling place.

2. Post-Election Audits

Within 14 days of the entry of this order, authorized representatives of Defendant State Election Board and Plaintiffs shall confer and shall file with this Court a proposed plan for pre-certification, post-election, manual, tabulation audits of paper ballots to independently check the accuracy of equipment and procedures used to tabulate votes in all federal, state, and county elections taking place in

Georgia after June 30, 2019 as provided for in GA Title 21-2-498. The plan shall be based on well-accepted audit principles that assure a high probability that incorrect outcomes will be detected and remedied.

3. Electronic Pollbook Corrections and Security

Within 10 days of the entry of this order, authorized representatives of Defendant Secretary of State and the Plaintiffs shall confer and shall file a plan with this Court that addresses the following topics with respect to elections occurring after June 30, 2019:

(a) the procedures to be undertaken by election officials to address errors and discrepancies in the voter registration database that may cause eligible voters to (i) not appear as eligible voters in the electronic pollbooks, (ii) receive the wrong ballot, (iii) be assigned to the wrong precinct in the electronic pollbook, or (iv) be prevented from casting a regular ballot in their properly assigned precinct; and

(b) the procedures to be undertaken by the Secretary's staff and by county election officials and poll workers to provide for use of an updated paper back-up of the pollbook in the polling places for adjudicating voter eligibility and precinct assignment problems.

SO ORDERED this ____ day of _____, 2019.

U.S. District Court Judge Amy Totenberg